

**CROW TRIBAL LEGISLATURE
DECEMBER 14, 2006 SPECIAL SESSION**

BILL NO. CLB06-08

**INTRODUCED BY CARL E. VENNE, CHAIRMAN
CROW TRIBAL EXECUTIVE BRANCH**

A BILL FOR AN ACT ENTITLED:

**“AN ACT TO ESTABLISH A TIME LIMIT FOR EXECUTIVE VETO, A VETO
OVERRIDE PROCESS, AND A REFERENDUM PROCESS”**

WHEREAS, the Veto and Referendum provisions in the 2001 Constitution (Article V, Section 8 and Article IX, Section 1) is silent regarding time limits for the Chairman’s approval or veto of legislation, or for the Legislature’s override of any such veto, or for the calling of a referendum in the event of an override; and

WHEREAS, the Constitution is also ambiguous about the status of legislation after a veto has been overridden;

WHEREAS, clarity in the legislative process is critical to economic development and governmental stability; and

WHEREAS, this Act implements the agreement between the Branches set forth in Joint Action Resolution **JAR06-09** enacted in the August 10, 2006, Special Session of the Legislature;

**NOW, THEREFORE, BE IT RESOLVED BY THE CROW TRIBAL
LEGISLATURE:**

Section 1. Adoption. The Crow Law and Order Code shall be amended by adding the following:

**CHAPTER 3. PROCEDURES FOR VETOES, OVERRIDES, AND
REFERENDUMS APPLICABLE TO PROPOSED LEGISLATION.**

1-3-101. The Secretary of the Legislature shall transmit newly enacted legislation to the Chairman of the Executive Branch within five (5) working days. Any legislation enacted by the Legislature, including a bill, act, or joint action resolution, must be approved or vetoed by the Chairman on or before thirty (30) days after the final day of the regular session of the Legislature in which the legislation is enacted. Legislation transmitted to the Chairman but neither approved nor vetoed

within the time allowed by the preceding sentence shall be deemed to have been vetoed by the Chairman. Legislation passed during a special session of the Legislature shall be considered enacted, for the purpose of determining the Chairman's veto in the event that such legislation is neither approved nor vetoed, on the final day of the next regular session of the Legislature.

1-3-102. If enacted legislation has been vetoed by the Chairman, pursuant to Section 1-3-101 or otherwise, the Legislature may override the veto if the legislation is approved by two-thirds (2/3) of the members of the Legislature in the next regular session of the Legislature following the veto. The matter of the override may be added to the agenda for the regular session without further notice or petition according to procedures adopted by the Legislature. If the Legislature does not vote to override the veto at such next regular session, then the legislation shall die and may not be voted on again by the Legislature unless introduced as new legislation according to the procedures in Sections 6 or 7 of Article V of the Constitution.

1-3-103. After the Legislature has voted to override the veto of legislation pursuant to Section 1-3-102, the Chairman may submit a written request for a referendum to the Secretary of the Executive Branch up to forty-five (45) days after the Chairman's receipt of notice of the override. Upon receipt of a request for a referendum, the Secretary shall schedule a referendum within the time provided in Article IX, Section 1 of the Constitution. The legislation shall not be effective before the referendum is held; provided, however, that if the referendum is not actually held before the commencement of the next regular session of the Legislature following the override, the legislation shall become effective on the first day of such next regular session, and the Executive Branch Chairman shall sign the legislation on or before the first day of such next regular session.

1-3-104. Any referendum held pursuant to this Act shall be conducted according to the procedures set forth in Article X, Section 4 of the comprehensive Election Ordinance adopted pursuant to Article VI, Section 5 of the Constitution, and any amendments thereto.

1-3-105. If the referendum passes by a two-thirds (2/3) majority of the votes cast with at least twenty-five percent (25%) of the total members of the General Council voting in the election (as required by Article IX, Section 1 of the Constitution), the legislation shall not take effect. If the referendum does not pass or the referendum is not otherwise lawful as to at least twenty-five percent (25%) of the total members of the General Council voting in the election, the Legislature's override shall remain effective and the legislation shall become effective on the date of certification of the referendum results (or at such later time as provided by the legislation), and the Executive Branch Chairman shall sign the legislation within three (3) business days after the date of such certification of the referendum results.

1-3-106. As used in this Chapter, the terms below have the following definitions:

(a) "Legislation" means all bills, acts, resolutions and joint action resolutions within the meaning of Article V, Section 8 of the Constitution, but does not include Legislative Resolutions which only govern the conduct of the Legislature.

(b) "Receipt" means physical receipt by the office of the Chairman of the Executive Branch, either by means of hand delivery or by certified mail return receipt, and in the case of legislation: (i) two (2) full originals of the legislation as enacted, bearing the original signature of the Speaker of the House and the attestation of the Secretary of the Legislature; (ii) the tally of the roll call vote; and (iii) if the legislation was proposed by a member of the Legislature, a full copy of the petition and other materials sufficient to demonstrate compliance with Article V, Section 6 of the Constitution. Upon action by the Chairman to approve or veto the legislation, the Executive Branch shall promptly transmit one (1) of the originals bearing the Chairman's original signature to the Legislature, provided that prior to such transmission and receipt by the Legislature, a designated representative of the Legislature shall have the opportunity to verify that the signed originals of the legislation are true and correct versions of the legislation as enacted by the Legislature.

(c) "Regular session" of the Legislature means the quarterly meetings of the Legislative Branch specified Article V, Section 3 of the Constitution, and does not include special sessions of the Legislature.

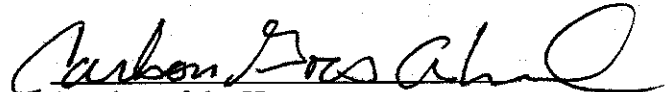
1-3-107. Nothing in this Chapter, including but not limited to the requirements in Sections 1-3-103 and 1-3-105 that the Chairman sign legislation which has been vetoed and such veto effectively overridden, shall be interpreted to waive or prevent the exercise of any legal or equitable remedies to test the constitutionality of legislation in the Crow Tribal Court pursuant to the Court's authority granted in Article X of the Constitution.

Section 2. Effective Date. Upon approval of this Bill by the Legislature and by the Chairman of the Executive Branch, the Act shall become effective immediately. Legislation vetoed or not acted on by the Chairman of the Executive Branch which has been the subject of an override vote by the Legislature prior to the effective date of this Act shall be deemed ineffective without the need for a referendum.

.Section 3. Codification Instructions. Upon approval, this Act shall be codified in Title 1, Chapter 3 of the Crow Law and Order Code.

CERTIFICATION

I hereby certify that this Bill for "AN ACT TO ESTABLISH A TIME LIMIT FOR EXECUTIVE VETO, A VETO OVERRIDE PROCESS, AND A REFERENDUM PROCESS" was duly enacted by the Crow Tribal Legislature with a vote of 17 in favor, 0 opposed, and 0 abstained and that a quorum was present on this 14th day of December, 2006.


Speaker of the House
Crow Tribal Legislature

ATTEST:


Secretary, Crow Tribal Legislature

(CROW TRIBAL LEGISLATIVE SEAL)



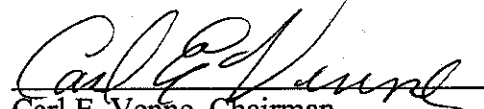
EXECUTIVE ACTION

I hereby:

approve

veto

this Bill for "AN ACT TO ESTABLISH A TIME LIMIT FOR EXECUTIVE VETO, A VETO OVERRIDE PROCESS, AND A REFERENDUM PROCESS" pursuant to the authority vested in the Chairman of the Crow Tribe by Article V, Section 8 of the Constitution and Bylaws of the Crow Tribe of Indians, on this 15 day of Dec, 2006.


Carl E. Venne, Chairman
Crow Tribal Executive Branch

Bill or Resolution Number CLB06-08 Introduced by: Executive Date of Vote: 12.14.06

<u>Representative:</u>	Yes	No	Abstain
L. Plain Bull	<u>X</u>	<u> </u>	<u> </u>
O. Costa	<u>X</u>	<u> </u>	<u> </u>
V. Crooked Arm	<u>X</u>	<u> </u>	<u> </u>
M. Not Afraid	<u>X</u>	<u> </u>	<u> </u>
R. Iron	<u>X</u>	<u> </u>	<u> </u>
B. House	<u>X</u>	<u> </u>	<u> </u>
E. Fighter	<u>X</u>	<u> </u>	<u> </u>
L. Hogan	<u>X</u>	<u> </u>	<u> </u>
S. Fitzpatrick	<u>X</u>	<u> </u>	<u> </u>
K. Real Bird	<u>X</u>	<u> </u>	<u> </u>
M. Covers Up	<u>X</u>	<u> </u>	<u> </u>
R. Old Crow	<u>X</u>	<u> </u>	<u> </u>
L. Not Afraid	<u>X</u>	<u> </u>	<u> </u>
B. Shane	<u>X</u>	<u> </u>	<u> </u>
J. Stone	<u>X</u>	<u> </u>	<u> </u>
D. Wilson	<u> </u>	<u> </u>	<u> </u>
L. Costa <i>Secretary of the House</i>	<u>X</u>	<u> </u>	<u> </u>
D. Goes Ahead <i>Speaker of the House</i>	<u>X</u>	<u> </u>	<u> </u>
Totals:	<u>17</u>	<u>0</u>	<u>0</u>

Result of Vote:

Passed

Not Passed

Tabled

Veto Override

Signature Officer: Carbone Desah Date: 12.14.06